

The Athenian Mercury.

Tuesday, February 19. 1695.

Quest. 1. **A** Gentleman having a great Friendship for a young Lady, and she no less for him, which brings them frequently together without giving any offence to her Husband or his wife, desires to know whether or no they are oblig'd to quit one another's conversations upon the surmises or general discourse of people that their frequent Meetings are not innocent?

Ans. The World is so wicked that of consequence it must be Censorious, upon which account wise people will be the more Cautious, because 'tis a duty, if possible, even to avoid causeless offences. If you know your selves innocent you are so much the happier, but you must likewise do something on the account of others, and therefore will do well to avoid such Meetings as will make persons talk, but from seeing each other in company we don't see that any thing injurious can arise.

Quest. 2. Since we have many instances of princes that have not regarded their word, and in this age the French King, who have nevertheless prosper'd to a very great degree, therefore I believe the consequence is not so bad as supposed, and should be glad of an example of any great state that has suffer'd or prosper'd whose chief ministers have been either perfidious or faithful?

Ans. Amongst the many examples in History of both kinds, none has been more conspicuous and universally known to the World, than that of Rome and Carthage; the state of the Romans being as flourishing, as their fidelity was constant, and also the perfidity of the Carthaginians was as fully recompensed by their ill successes and ruine. For altho' far fetcht pretences may for some time dazle persons eyes, yet it has been generally observ'd that sooner or later the perfidious have been rewarded with destruction.

Quest. 3. I know 'tis a common notion amongst us that the Turks are very just to their word, and likewise that we are in as ill repute with them; is their bad opinion of us just, or what may be the reason of it?

Ans. We wou'd not however advise any person to put too much confidence in a Mahometan, the poor Eastern Christians, and especially the Coptis, being unhappy instances of their treacherous usurpations, whom by specious pretences they have insensibly deprived of all their liberties. 'Tis true the Christians have a worse reputation amongst the Mahometans than the Turks have with us, because they politically represent us as insatiable and perfidious Tyrants, thinking by that means to clear themselves of those vices.

Quest. 4. Who were the first establishers of the Roman civil Laws, what did they chiefly consist of, and by what methods were they settled?

Ans. In the beginning of the Roman Republick the will of their Kings served them for Laws, and every thing was executed by authority or force; this being very inconvenient and even prejudicial to the Kings themselves, they by degrees made divers Laws, chiefly Numa and Servius Tullius. Some of these Laws were called *Curiae*, and others *Centuriatae*, because the people divided into *Curies* and *Centuries* had authorized them. A Lawyer named *Papirius*, afterwards collected them together, which made them be called the *Papirian Laws*, of which there only remain

some fragments. The Romans after having driven out their Kings, continued sixty years without any other Laws than these Royal ones joyned to their customs, and opinions of their Magistrates. But in the three hundredth year of their City, they sent *Embassadors* into Greece to Copy the Laws of *Solon* and acquaint themselves with those of other republicks; In which they employed three years, and being return'd they created *Decemvirs*, who comprized the Roman Laws in ten tables, to which they added two others in the following year. So that in the three hundred and fifth year of Rome, four hundred years before our Saviour, they publish'd the Laws of the twelve tables, which they engraved on Copper plates and placed them in the temple of *Restra*, where they caused the people to assemble together. Many antient Lawyers made commentaries upon these Laws, and some moderns have also explain'd what remains of them. These Laws considerably encreased for four hundred and forty years untill the time of *Augustus*, by the disputes of the *Bar*, the writings and answers of the Lawyers, the formalities established by the Priests, and the Edicts of the people and *prators*. These Last having been set up as Guardians and interpreters of the Law of the twelve tables, made divers declarations, from which *Julian the Lawyer* in the time of *Adrian* form'd the perpetual Edict.

As soon as *Augustus* was become master of the republick, the Roman Law received great additions, by those Laws the people established in the *Campus Martius* with the consent of *Augustus*, who was not displeased with the granting them this shadow of liberty; by the decrees of the Senate; by the Authority of those Lawyers to whom the Emperour gave power; by the perpetual Edict that *Julian* compos'd; and by the Constitutions, Rescripts, Edicts and Decisions of the Emperours.

To reconcile the divers Laws of the Emperours which seem to oppose one another, they may be distinguish'd, into three periods: The first, those of the heathen Emperours; from *Augustus* unto *Constantine*, which was a little more than three hundred years. The second from *Constantine* untill *Theodosius the younger*, of about an hundred and thirty years. And the third period from this *Theodosius* until *Justin* the second, of about an hundred years. After which *Justinian* the great restorer of the Roman Law published his Code, which with his institutions, and thirteen Edicts, make the last of his Collections concerning the Law. And all these books together with those of some other Emperours compose what is called the *Body of the civil Law*.

Quest. 5. I make bold to trouble you; The case is thus; A Gentlewoman and my self have passionately lov'd each other a considerable time; but both our parents were adverse to it, and oblig'd us to promise them never to speak to one another of love again. Yet notwithstanding our promise to them, we have continued our passion, and I promise before Heaven to marry her if she would consent, which she readily did, but for some reasons it has been hitherto deferred. Now our Parents thinking all was broke off, have provided matches for us, which she on her part has refused upon pretence of never marrying, only out of love to me; But she that my parents has provided for me is so far above the other in beauty, fortune and all other Endowments that I would fain break off. Now pray Inform me whether my promise to her is Inviolable, since it was done without the consent of our parents; and whether I may not lawfully marry the other?

Ans.

Ans. 'Tis such as you rash and unconstant sparks, who deservedly bring our fidelity in such ill repute amongst the Ladies. Tho your parents could prevent your marrying, yet why must you be in such haste to be ungrateful? Because forsooth she's handsomer; so much the more likely to Cuckold you; and she's richer too, Consequently don't want pride enough to make her imperious; sure these motives can ne're be withstood, what signifies a little whining, trifling constancy and love? But assure your self, you must be accountable for all your vows and promises, and tho perhaps the injured party may want both will and power, to revenge her self, yet there's a friend to justice won't forget them. Tho still if your mistress will release you, and indeed we think you are not worthy of her, you are free to marry any who will accept you; And without it you can neither honourably nor innocently leave her.

Quest. 6. A Kinsman of mine a young Gentleman of an ancient family, a younger son being about to be bound an Apprentice to an Haberdasher here at London, some Gentleman dissuaded his father from it; saying 'twill be a dishonour to the family, and that the servile condition he voluntarily enters into, will corrupt his blood, and from thenceforth he will cease to be a Gentleman, advising rather to preserve his families reputation to send him into the Camp, but the young man is averse to that. Your Judgment and advice in this matter is earnestly desired by both father and son.

Ans. If the family is rich as well as antient, and able to maintain the Youth like what they pretend to, by settling him with an honest Gentleman at one of the Inns of Court, or putting him to study Physick or Divinity, if he has been educated fit for it, 'tis the only probable and wise way to preserve his Gentility; but if not over moneyed, a wealthy Citizen may prove a good support and prop; however by no means don't lead the lad into the field against his consent, that being a very uncertain way of raising him without a great deal of valour, which gift don't fall to every one's share.

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Ut omnis domus, ita omnis lingua nititur firmo fundamento.

Such Persons as are willing to buy or sell Orphans money in the Chamber of London, may be furnished either to buy or sell within one per Cent, at Stephen Wilkinson's, at his house in Crown-Court, in Cheapside, near Bow-Church, London. At any time in the day.

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